

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JUN - 9 2004

Case No. 5430  
Date Filed 6-7-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$150<sup>00</sup>

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code \_\_\_\_\_

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☒ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5430 MAP 69 TYPE Variance

ELECTION DISTRICT 1 LOCATION 121 Stillmeadow Drive, Joppa, Md. 21084

BY Nancy DiPasquale Weller (Stanley Sirody, 11100 Reisterstown Rd., Owings Mills, Md. 21117)

Appealed because a variance pursuant to Ordinance 6, Section 10.05 of Harford County to allow a sunroom within the required 45 foot rear yard setback (41 foot proposed) in a R3/CDP District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

Owner (please print or type)

Name NANCY DI PASQUALE WELER Phone Number 410 679-3659  
Address 121 STILLMEADOW DRIVE JOPPA MD 21085  
Street Number Street City State Zip Code

Co-Applicant STANLEY SIRODY / AFFORDABLE WINDS, + REMOD. Phone Number 410 654-6500  
Address 11100 REISTERSTOWN RD. OWINGS MILLS MD 21117  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 121 STILLMEADOW DRIVE, JOPPA, MD 21085

Subdivision 102 Joppatawne Lot Number 123 A

Acreage/Lot Size 46/46 x 115 Election District 01 Zoning R3 / CDP

Tax Map No. 109 Grid No. 2C Parcel 169 Water/Sewer: Private \_\_\_\_\_ Public ☒

List ALL structures on property and current use: 2-STY DWG, STORAGE SHED

Estimated time required to present case: 30 MINS.

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No \_\_\_\_\_

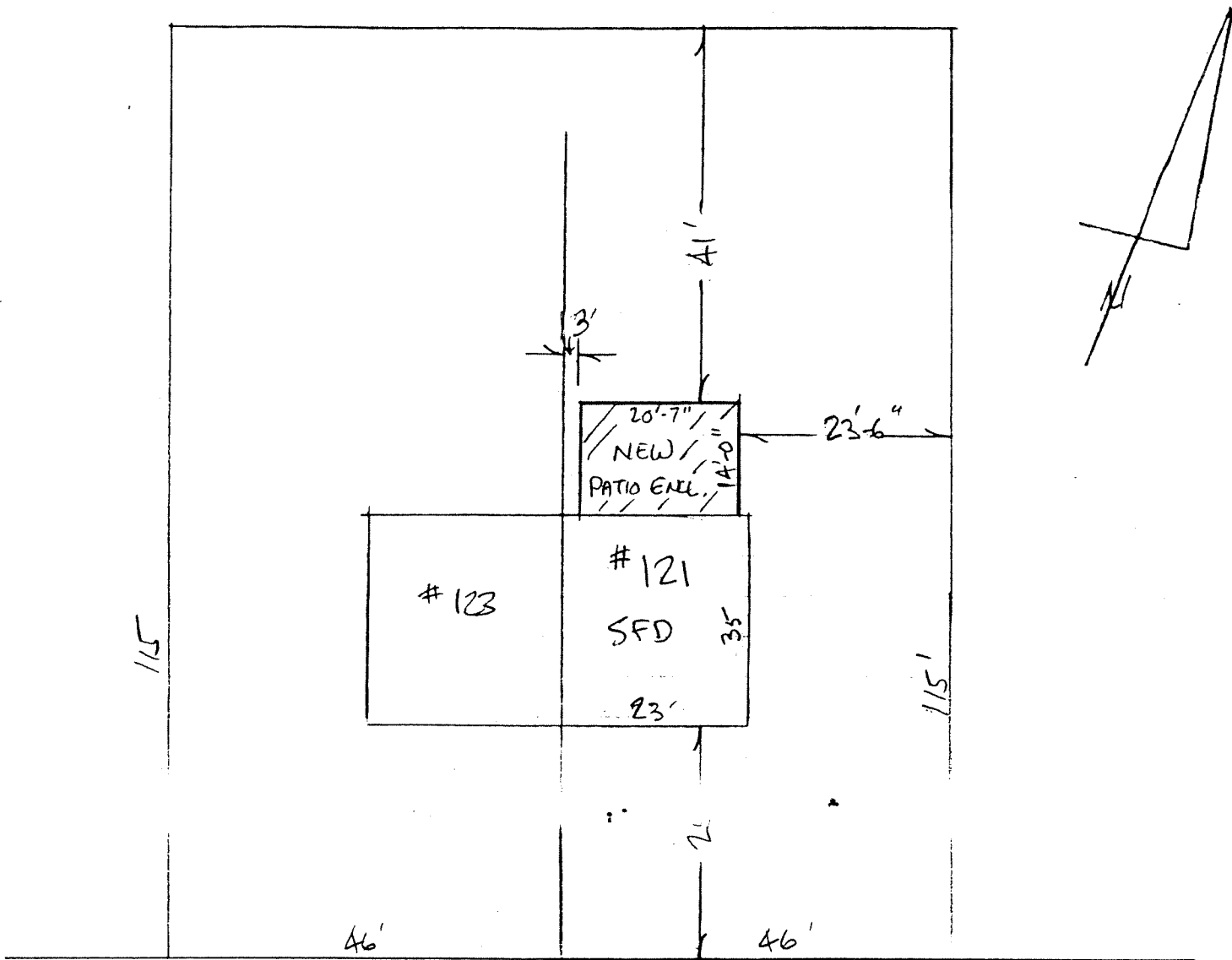
## Request

PETITIONER REQUESTS THAT THE EXISTING REAR SETBACK OF 45 FT  
BE REDUCED TO 41 FT. TO ALLOW FOR ERECTION OF A 4-SEASON  
ROOM AT REAR OF EXISTING HOUSE FOR USE AS A FAMILY ROOM,  
APPROX 14 FT PROJECTION, ON EXISTING 14 FT PROJ PATIO  
SLAB.

## Justification

- ① OTHER RESIDENCES IN THIS COMMUNITY HAVE SIMILAR-SIZED STRUCTURES.
- ② EXISTING HOME IS A SEMI-DETACHED AND FAMILY NEEDS MORE ROOM.
- ③ IN ADDITION TO THE REQUESTED 41 FT SETBACK, THERE IS A 10 FT  
EASEMENT BEHIND PROPERTY AND AN ADJACENT REAR LOT OF ADJACENT  
PROPERTY. THUS, PROPOSED CHANGE WILL NOT AFFECT SURROUNDING  
HOMES, AS SIDE SETBACKS WILL NOT BE AFFECTED.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*



This drawing is an accurate depiction of the existing and proposed improvements on the property.

*Stan Sady*  
 Applicant or Owner

STILLMEADOW DRIVE

PATIO ENCLOSURE

PLOT PLAN

121 STILLMEADOW DR.

JOPPA, MD 21085

SCALE: 1" = 20'  
 ALL REFS APPROX.

AFFORDABLE WINDOWS - PER  
 410 654-4004

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



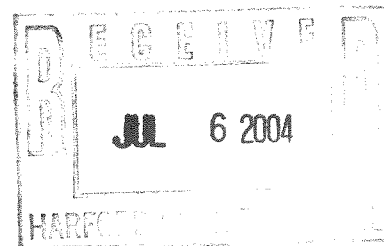
**J. STEVEN KAI-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

July 1, 2004

#### STAFF REPORT



#### **BOARD OF APPEALS CASE NO. 5430**

**APPLICANT/OWNER:** Nancy DiPasquale Weller  
121 Stillmeadow Drive, Joppa, Maryland 21085

**Co-APPLICANT:** Stanley Sirody/Affordable Windows and Remodeling  
11100 Reisterstown Road, Owings Mills, Maryland 21117

**REPRESENTATIVE:** Applicant and Co-Applicant

**LOCATION:** 121 Stillmeadow Drive/Joppatowne  
Tax Map: 39 / Grid: 2C / Parcel: 169 / Lot: 123A  
Election District: First (1)

**ACREAGE:** 5,290 square feet  
0.12± of an acre

**ZONING:** R3/Urban Residential District – Community Development Project  
(R3/URD/CDP)

**DATE FILED:** June 7, 2004

**HEARING DATE:** July 21, 2004

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5430

Nancy DiPasquale Weller

Page 2 of 4

### **APPLICANT'S REQUEST and JUSTIFICATION:**

#### **Request:**

"Petitioner requests that the existing rear setback of 45 ft. be reduced to 41 ft. to allow for erection of a 4-season room at rear of existing house for use as a family room, approximately 14 ft. projection, on existing 14 ft. proj. patio slab."

#### **Justification:**

1. "Other residences in this community have similar sized structures."
2. "Existing home is a semi-detached and family needs more room."
3. "In addition to the requested 41 ft. setback, there is a 10 ft. easement behind property and an adjacent rear lot of adjoining property, thus, proposed change will not affect surrounding homes, as side setbacks will not be affected."

### **CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Ordinance 6; Section 10.05 of the 1957 Harford County Zoning Ordinance to allow a sunroom within the required 45-foot rear yard setback (41-feet proposed) in an R3/Urban Residential District/Community Development Project (R3/CDP).

Enclosed with the report is a copy of Ordinance 6, Section 10.05 of the Harford County 1957 Zoning Ordinance (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The subject property is located in the southwest area of the County, in the community of Joppatowne. The property is situated on the east side of Stillmeadow Drive, just north of Haverhill Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

This area of the County is located within the Development Envelope. Land use designations in the area include Low, Medium and High Intensities. There are also neighborhood and community centers. The Natural Features Map reflects Chesapeake Bay Critical Areas, parks, stream buffer systems and habitats of local significance. The Applicant's property is located in the Medium Intensity designation, which is defined by the Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per

## STAFF REPORT

Board of Appeals Case Number 5430

Nancy DiPasquale Weller

Page 3 of 4

acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The area includes both commercial and residential development. Commercial uses include shopping centers, individual retail and service uses. Other land uses include schools, churches, a library and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The Applicant's lot is rectangular in shape with frontage on Stillmeadow Drive. The lot is approximately 5,290 square feet, or 0.12 of an acre in size. The lot rises gently up from the road to the front of the dwelling. The area to the rear of the property is level (Attachment 7). The lot contains a two-story dwelling, which is one half of a semi-detached unit. Other improvements include a concrete patio attached to the rear of the dwelling, a concrete driveway, a split rail fence around two sides of the rear yard and a 6-foot solid board fence along the common property line of the two units. There is a shed located in the right rear corner of the lot. The property is nicely landscaped with trees and shrubbery along with rose gardens lining the side property lines and a 5 to 6-foot hedge row across the rear of the property. Enclosed are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

The only permit that could be located was the permit for the dwelling unit itself. Therefore, unless the Applicant can produce copies of the permits for the new concrete patio, shed and fence, permits will be required along with a permit for the sunroom if the variance is approved.

### Zoning:

The zoning classifications conform to the overall intent of the 1996 Master Plan/Land Use Element Plan as well as the existing land uses. Residential zoning includes R1 to R4/Urban Residential Districts. Commercial zoning includes B2/Community Business and B3/General Business Districts. The subject property is zoned R3/Urban Residential as shown on the enclosed copy of the Zoning Map (Attachment 10).

### **SUMMARY:**

The Applicant is requesting a variance pursuant to Ordinance 6; Section 10.05 of the 1957 Harford County Zoning Ordinance to allow a sunroom within the required 45-foot rear yard setback (41-feet proposed) in an R3/Urban Residential District/Community Development Project (R3/CDP).

## STAFF REPORT

Board of Appeals Case Number 5430

Nancy DiPasquale Weller

Page 4 of 4

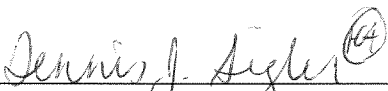
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The Applicant is requesting to reduce the rear yard setback from 45-feet to 41-feet. There is a 10-foot wide area of open space between the Applicant's lot and the properties to the rear (Attachment 11). Therefore, there will still be adequate separation from the proposed addition to the adjacent dwelling. The size of the proposed sunroom is consistent with other additions in the neighborhood. The request, if approved, should not adversely impact the adjacent properties or the intent of the Code.

### **RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved, subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the construction of the sunroom.
2. The Applicant shall obtain permits for the existing shed and fencing.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka